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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,788	05/18/2006	Mikkel Drucker	006921.00013	4749
22907 7590 09/29/2008 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051				
EXAMINER				
AKINYEMI, AJIBOLA A				
ART UNIT		PAPER NUMBER		
2618				
MAIL DATE		DELIVERY MODE		
09/29/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/579,788

Applicant(s)

DRUCKER ET AL.

Examiner

AJIBOLA AKINYEMI

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Mizuta (Patent No.: US 7353049B2).

With respect to claim 1:

Mizuta disclosed a communication apparatus comprising a first housing member (fig.1B, item 201) and a second housing member (fig.1B, item 101), which are mechanically interconnected so that said first housing member (fig.1B, item 201) is foldable as well as tunable with respect to said second housing (fig.1B, item 101) member so as to assume different operating positions, said communication apparatus having a user interface including a display (fig.1B, item 202) and manual input means (fig.1B, item 207) and a processing device (fig.4, item 107)) for providing services to a user through said user interface, wherein said display (fig.1B, item 202) is located in said first housing member (fig.1B, item 201), wherein said manual input means comprises a first set of keys (fig.1B, item 207) comprised in said first housing member (fig.1B, item 201), and a second set of keys (fig.1B, item 101a) comprised in said second housing member (fig.1B, item

101), wherein a plurality of said services are controllable by said user through said first set of keys (fig.1B, item 207), said operating positions including a compact position in which said first housing member is folded (fig.1E) against said second housing member, wherein said first set of keys (fig.1E, item 207) and said display (fig.1E, item 202) are accessible to, and said plurality of said services are controllable by, said user in said compact position, and said operating positions including an open position in which said first housing member (Fig.1B, item 201) is unfolded from said second housing member (fig.1B, item 101), wherein said first set of keys (fig.1, item 207) and said display (fig.1B, item 202) as well as said second set of keys (fig.1B, item 101a) are accessible to, and said plurality of said services are controllable by, said user in said open position.

With respect to claim 2:

Mizuta disclosed a communication apparatus wherein said first set of keys (fig.1B, item 207) and said display (fig.1B, item 202) are arranged in essentially the same plane.

With respect to claim 3:

Mizuta disclosed a communication apparatus, wherein said same plane coincides with or is parallel to a front side of said first housing member (fig.1E).

With respect to claim 4:

Mizuta disclosed a communication apparatus wherein a telephone application for performing speech communication in the form of telephone calls is included in said plurality of said services (col.7, lines 18-30).

With respect to claim 5:

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Mizuta disclosed a communication apparatus wherein said plurality of said services includes a telephone call (col.7, lines 18-30) and a camera application (col.2, lines 32-38).

With respect to claim 6:

Mizuta disclosed a communication apparatus comprising a camera (fig.1, item 121) said operating positions including a camcorder position in which said first housing member (fig.1B, item 201) is unfolded as well as turned (fig.1D) with respect to said second housing member (fig.1B, item 101), wherein said first set of keys (fig.1B, item 207) and said display (fig.1B, item 202) are accessible to, and a camera application (fig.1D, item 121) among said services is controllable by, said user in said camcorder position (col.7, line 54-61).

With respect to claim 7:

Mizuta disclosed a communication apparatus wherein said operating positions including a self-portrait position in which said first housing member (fig.1B, item 201) is unfolded with respect to said second housing member (fig.1B, item 101) and turned by substantially 180 degree (fig.1D) with respect to said camcorder position, wherein said first set of keys (fig.1E, item 207) and said display (fig.1E, item 202) are accessible to, and a camera application (fig.1E, item 121) among said services is controllable by, said user in said self-portrait position.

With respect to claim 8:

Mizuta disclosed a communication apparatus wherein said first set of keys (fig.1B, item 207) comprises at least one context-sensitive key, the function of which depends on an

active one of said plurality of said services that currently is controlled through said user interface (fig.1B and 5A).

With respect to claim 9:

Mizuta disclosed a communication apparatus wherein said first set of keys (fig.1B, item 207) comprises at least one navigation key for multi- directional navigating and selecting actions in said user interface (col.5, lines 37-50).

With respect to claim 10:

Mizuta disclosed a communication apparatus wherein said second set of keys (fig.1B, item 101a) includes a group of keys that constitutes a telephone-type keypad and includes digit keys 0 through 9 (fig.1B)

With respect to claim 11:

Mizuta disclosed a communication apparatus in the form of a mobile terminal for a mobile telecommunication system (fig.4).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizuta (Patent No.: US 7353049B2) and further in view of Shibata (Pub. No.: US 2001/0004269A1).

With respect to claim 12:

Mizuta disclosed a communication apparatus comprising a first housing member (fig.1B, item 201), a second housing member (fig.1B, item 101) and a hinge assembly (col.2, lines 4-5) having a first hinge functionality connecting the first and second housing members pivotally to each other, wherein said first housing member (fig.1B, item 201) comprises a display (fig.1B, item 202) and a set of keys(fig.1B, item 207) for operating the communication apparatus and said hinge assembly (col.2, lines 4-5) allows said first (fig.1B, item 201) and second housing (fig.1B, item 101) members to assume first and second closed positions in which said first and second housing members are folded against each other (fig.1E), as well as an open position in which said first and second housing members are unfolded from each other (fig.1B) wherein, in said first closed position, said display (fig.1E, item 202) and said set of keys (fig.1E, item 207) of said first housing member face towards said second housing member (fig.1A), and wherein, in said second closed position as well as in said open position, said display (fig.1E, item 202) and said set of keys (fig.1E, item 207) of said first housing member are exposed and allow a user to operate said communication apparatus (fig.1E). Mizuta did not disclosed a second hinge functionality allowing one of

said first and second housing members to turn relatively to the other housing member. Shibata disclosed a first and second hinge (fig.3, item 31, 32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have first and second hinge in order to have proper control and rotation of the housing in the communication apparatus.

With respect to claim 13:

Mizuta disclosed a communication apparatus wherein plurality of services provided by said communication apparatus are controllable through said set of keys in said second closed position (fig. 1E, item 207 for controlling the service).

With respect to claim 14:

Mizuta disclosed a communication apparatus wherein a telephone application for performing speech communication in the form of telephone calls is included in said plurality of said services (col.7, lines 18-30).

With respect to claim 15:

Mizuta disclosed a communication apparatus wherein said first set of keys (fig.1B, item 207) comprises at least one context-sensitive key, the function of which depends on an active one of said plurality of said services that currently is controlled through said user interface (fig.1B and 5A).

With respect to claim 16:

Mizuta disclosed a communication apparatus wherein said first set of keys (fig.1B, item 207) comprises at least one navigation key for multi- directional navigating and selecting actions in said user interface (col.5, lines 37-50).

With respect to claim 17:

Mizuta disclosed a communication apparatus in the form of a mobile terminal for a mobile telecommunication system (fig.4).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJIBOLA AKINYEMI whose telephone number is (571)270-1846. The examiner can normally be reached on monday- friday (8.30-5pm) Est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, YUWEN PAN can be reached on (571) 272-7855. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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AA
/Yuwen Pan/
Primary Examiner, Art Unit 2618